

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN JOSE AMESQUITA,

1:05-CV-00055-OWW-TAG-HC
Appeal # 06-17070

Petitioner,

VS.

ROD HICKMAN, Warden,

ORDER DISREGARDING MOTION
FOR APPOINTMENT OF COUNSEL
ON APPEAL
(Doc. 38)

Respondent.

ORDER FOR CLERK TO SERVE A
COPY OF THIS ORDER ON THE
COURT OF APPEALS

Petitioner is a state prisoner proceeding pro se in a habeas corpus action pursuant to 28 U.S.C. § 2254. On October 30, 2006, petitioner filed a motion for appointment of counsel on appeal. (Doc. 38). Due to the fact that the amended petition was dismissed by the District Court on October 4, 2006, and petitioner filed a notice of appeal to the Court of Appeals for the Ninth Circuit on October 23, 2006, the motion for counsel is more properly brought before the Court of Appeals.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion for appointment of counsel on appeal (Doc. 38), is DISREGARDED by the District Court; and
2. The Clerk of Court is directed to serve a copy of this order on the Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

Dated: November 21, 2006
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/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE